

# **Exhibit 10**

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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358 BROADWAY REALTY, LLC,

Petitioner-Landlord,

- against -

DEVA GINSBERG &  
ASHLEY GRANATA  
358 Broadway, Apt. #3A  
New York, New York 10013

Respondent-Tenant,

"JOHN/JANE DOE"

Respondents-Undertenants,  
-----X

To the Respondents above named and described, in possession of the Premises hereinafter described or claiming possession thereof:

**PLEASE TAKE NOTICE** that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of New York, Part H, Room 1144B, 111 Centre Street, County, City and State of New York, on July 18, 2007, at 2:00 PM in the forenoon of that day, on the annexed Petition of 358 BROADWAY REALTY, LLC., verified on July 1, 2002, which prays for a final judgment of eviction, awarding to Petitioner the possession of the Premises described as follows: Apartment #3A, all rooms, in the Premises known as and located at 358 Broadway, New York, New York 10013, as demanded in the Petition, which you must answer. Your Answer may set forth any defense or counterclaim against the Petitioner, unless precluded by law or by prior agreement between the parties.

**PLEASE TAKE FURTHER NOTICE**, that demand is made in the Petition herein for judgment against you for the reasonable value of use and occupancy of the subject Premises, and reasonable attorney's fees of not less than Five Thousand Five Hundred (\$5,500.00) Dollars per month.

**PLEASE TAKE FURTHER NOTICE**, that if you fail to interpose and establish any defense that you may have to the allegations of the Petition, you may be precluded from asserting such defense or the claim upon which it is based in any other proceeding or action.

**PLEASE TAKE FURTHER NOTICE**, that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a rent deposit, or a rent payment to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial rent deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

**IN THE EVENT OF YOUR FAILURE TO ANSWER AND APPEAR, FINAL JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.**

Dated: New York, New York  
July 3, 2007

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JACK BAER, Clerk of the Civil Court  
of the City of New York

**Green & Cohen, P.C.**  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, N.Y. 10128  
(212) 831-4400

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358 BROADWAY REALTY, LLC,

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The Petition of **358 BROADWAY REALTY, LLC**, Landlord, respectfully alleges, upon information and belief:

1. The Petitioner is the owner and landlord of the Premises, and is authorized to maintain this proceeding.
2. Respondents, **DEVA GINSBERG & ASHLEY GRANATA**, are the tenants of the Premises, having entered into possession under a now expired written rental agreement made heretofore. Respondents, **"JOHN/JANE DOE"** are the undertenants of Respondent, **DEVA GINSBERG & ASHLEY GRANATA**.
3. The Premises are described as follows: all rooms, **Apartment #3A**, in the Premises known as and located at **358 Broadway, New York, New York 10013**, which is located within the territorial jurisdiction of the Civil Court of the City of New York, County of New York.
4. The Respondent's tenancy was terminated pursuant to a Thirty Day Notice of Termination of Month to Month Tenancy. A copy of the Notice with Affidavit of service is annexed hereto and made a part hereof. Respondents have remained in possession without permission of the Landlord since the expiration of the term.
5. The apartment is not subject to the Rent Stabilization Law of 1969, as amended to date, nor is it subject to Rent Control. The reason the premises is not subject to rent regulation is that

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PETITION

(Residential Holdover)

it was high rent decontrolled.

6. The premises are a multiple dwelling, and pursuant to the Housing Maintenance Code, Article 41, there is a currently effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over the age of 21 years, to be in control of and responsible for the maintenance and operation of the dwelling:

Registered Address: 368 Broadway, New York, NY  
Registered Agent: Jerry Jacobs  
Multiple Dwelling Number: 141655

7. The respondents hold over and continue in possession of the premises without the permission of the landlord-petitioner, after the expiration of said term.

8. Petitioner lacks written information or Notice of any address where the Respondents reside in New York State, other than the address sought to be recovered.

9. Pursuant to the parties expired Lease, the Petitioner shall be entitled to legal fees as the prevailing party in this litigation.

10. Petitioner shall be entitled to a judgment for past due use and occupancy, at a rate to be determined by the Court.

**WHEREFORE**, Petitioner demands final judgment awarding possession of the Premises to Petitioner, issuance of a warrant to remove Respondents from possession thereof, fair value of use and occupancy of the Premises, and reasonable attorney's fees of not less than Two Thousand Five Hundred (\$2,500.00) Dollars, and costs and disbursements herein.

Dated: New York, New York  
July 3, 2007



Green & Cohen, P.C.  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
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358 BROADWAY REALTY, LLC  
Landlord

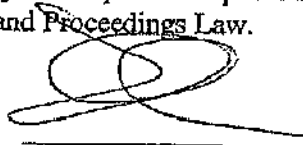
VERIFICATION

STATE OF NEW YORK }  
COUNTY OF NEW YORK } ss.:

The undersigned attorney for the petitioner, being duly sworn deposes and says as follows:

I am the attorney for the petitioner above named. I have read the foregoing Notice of Petition and Petition and know the contents thereof, and the same is true to my own knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters, I believe them to be true. The basis of my belief is information contained in my files and conversations with my client. This Petition is signed by the attorney for the petitioner pursuant to sec. 3020(d) of the CPLR and sec. 741 of the Real Property Actions and Proceedings Law.

Dated: New York, New York  
July 3, 2007

  
Michael R. Cohen